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April 5, 2005

The Honorable Gregory M. Sleet
United States District Court
844 N. King Street
Wilmington, DE 19801

BY HAND

**Re: Marvel v. Prison Industries, et al.
 C.A. No. 99-113-GMS**

Dear Judge Sleet:

This is in response to Your Honor's Notice dated April 1, 2005, setting a status teleconference for April 12, 2005. We are currently discussing with our client the possibility of an appeal of Your Honor's March 23, 2005 Order to the Third Circuit Court of Appeals on qualified immunity grounds. If such an appeal is filed, any scheduling order which assumes no appeal would become moot. I believe that we have until April 22, 2005, in which to file an appeal. Therefore, I am asking that the status teleconference be taken off the calendar and that no status teleconference be scheduled until after April 22, 2005. Thank you.

Respectfully submitted,

/s/

Richard W. Hubbard
Deputy Attorney General

xc: Clerk of Court (via electronic delivery)
 David A. Felice, Esquire (via electronic delivery)
 Edward C. Gill, Esquire (via electronic delivery)